UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

APPLE INC., Petitioner, -against- DOE, Respondent.	Civil Action No. 1:17-mc-00150-P1 **DECLARATION OF NATHAN SHAFFER**

I, Nathan Shaffer, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am attorney at the firm of Orrick, Herrington & Sutcliffe LLP, attorney for Petitioner Apple Inc. I make this declaration in support of Apple's petition for an order compelling Respondent OEM World to comply with a Rule 45 subpoena issued in the *Apple v. Mobile Star* litigation, currently pending in the Northern District of California, Case No. 3:16-cv-6001-WHO.

2. I am familiar with the matters described below based on personal knowledge, except where stated on information and belief, which has been formed based on review of information provided to me by parties with first-hand knowledge.

3. The papers submitted in support of this application include the Order to Show Cause; the present declaration; the Memorandum of Law In Support of an Expedited Order Compelling Compliance With Apple Inc.'s Rule 45 Subpoena; the Declaration of Thomas H. Zellerbach and its exhibits; and a [Proposed] Order.

4. I respectfully submit this affidavit to request expedited consideration of the accompanying Order to Show Cause, by which Petitioner Apple Inc. seeks to expedite consideration of its request for An Expedited Order Compelling Compliance with Apple Inc.'s Rule 45 Subpoena.

5. This application is made on an expedited basis for several reasons including, but not limited to, the following:

6. On information and belief, and as set forth in the affidavit of Samantha Stanfield filed herewith as Exhibit D to the Declaration of Thomas H. Zellerbach, on February 22, 2017, Apple served on OEM World a subpoena issued by the Northern District of California in the *Apple v. Mobile Star* litigation, Case No. 3:16-cv-6001-WHO.

7. Counsel for OEM World contacted counsel for Apple on or about March 24, 2017, and requested a short extension of time to produce documents responsive to the subpoena. Counsel for Apple agreed to extend the production deadline to March 29, 2017, as requested.

8. On March 30, 2017, counsel for OEM World produced 15 pages of documents in response to the February 22, 2017, subpoena, but omitted categories of documents, as set forth in the papers supporting Apple's motion filed herewith.

9. On information and belief, counsel for Apple contacted counsel for OEM World on March 30, 2017, to ask which confidentiality designation applied to the produced documents. No response was received, and counsel for Apple contacted counsel for OEM World again on April 11, 2017. Counsel for OEM World responded with the requested designations on April 11, 2017. A copy of the correspondence between counsel for Apple and OEM World is attached as Exhibit E to the Declaration of Thomas H. Zellerbach, filed herewith.

10. On April 25, 2017, I emailed a letter on behalf of Apple to OEM World's counsel identifying deficiencies in OEM World's production, and requesting a response from OEM World. I also caused the letter to be delivered to OEM World's counsel via overnight Federal Express. As of the time of filing, I have not received a response from OEM World.

11. May 31, 2017, is the deadline set by Judge Orrick of the Northern District of California for Apple to amend its complaint to name additional defendants in the *Apple v. Mobile Star* litigation. In order to provide sufficient time for Apple to complete a review of documents produced by OEM World, take a deposition, if appropriate, of OEM World, and investigate OEM World's suppliers of Apple-branded products prior to the May 31, 2017, amendment deadline, OEM World's production of documents should be completed by May 15, 2017.

12. The relief Apple seeks has not been previously sought.

13. Petitioner Apple Inc. therefore respectfully requests that this motion be considered on an expedited basis.

I declare under penalty of perjury that the forgoing is true and correct. Executed on this 2nd day of May, 2017.

Nathan Shaffer